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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 01-179)

In the Application of: )  
Rowe et al. )  
Serial No.: 09/786/253 )  
Filing Date: August 15, 2001 )  
For: Control of Acidosis )  
Examiner: V. Portner  
Group Art Unit: 1645  
Confirmation No.: 7071

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

**Request for Reconsideration of Patent Term Adjustment Determination**

Dear Sir:

Applicants note that in the recent Issue Notification for the above-referenced application, the Applicants were charged with a delay of 120 days upon the receipt of a letter dated November 9, 2005. This letter was merely a letter of good candor, meant to note the Applicant's agreement with the calculation, at that time, of the patent term adjustment. This letter should not be construed as a failure on the part of the Applicants to complete prosecution in a timely manner. The Applicants believe that the 120 days of delay charge against Applicants is undue, and therefore request that the patent term adjustment be corrected to reflect 441 days in the Applicants' favor.

As the patent term adjustment indicated in the Notice of Allowance was adjusted in the Issue Notification, the Applicants could not have applied for a patent term adjustment under 37 C.F.R. 1.705(d), and therefore this request should not be dismissed as untimely.

Respectfully submitted,

A handwritten signature in black ink.

Michael S. Greenfield  
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TRANSMITTAL LETTER

Dear Sir:

In regard to the above-identified application,

1. We are transmitting herewith the attached:
  - a) Request for Reconsideration of Patent Term Adjustment Determination; and
  - b) Return Receipt Postcard.
2. With respect to fees:
  - a) No fee is due at this time.
  - b) Please charge any underpayment or credit any overpayment to our Deposit Account No. 13-2490.
3. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the papers, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on April 3, 2006.

Respectfully submitted,

By:   
Michael S. Greenfield  
Registration No. 37,142

Date: April 3, 2006